

REMARKS

In the Office action mailed July 7, 2005, the examiner rejects claims 1-18. This reply amends claims 1, 2, 11, and 15-17. Thus, claims 1-18 are pending and under consideration.

I. Response to § 102 rejections

The examiner rejects claims 1-18 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,785,732 ("Bates"). These rejections are respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

M.P.E.P. § 2131.

Regarding claim 18, the claim recites "specifying a time of infection." This claim is allowable at least because Bates does not disclose this feature.

During the interview held October 12, 2005, the examiner explained that the examiner interprets the claim feature "time of infection" as analogous to the claim feature "time of detection." The applicant respectfully disagrees with the examiner because the examiner's interpretation contradicts the text of the claim. Claim 18 recites a time of infection that is "based on" the time of detection and the stored communication history." As the time of infection is "based on" the time of detection and the stored communication history, the time of infection must be different than the time of detection. More specifically, the time of infection will always be earlier than the time of detection.

Bates teaches a server that determines whether client apparatuses are infected with a virus. The server accomplishes this by scanning communications sent by a client via the server and by scanning a client when the client requests a scan. Further, when the server detects a virus, the server stores an entry that includes when the virus was detected. See col. 8, ll. 9-15.

Although Bates stores a time when the server detects a virus in a client, Bates does not disclose any means for the server to determine when the client was infected by the virus. Thus, Bates does not anticipate claim 18 at least because Bates does not disclose "specifying a time of infection."

This reply amends claims 1, 2, 11, and 15-17 to clarify this distinction from Bates. Thus, these claims are allowable over Bates for at least the reason presented above. Claims 3-10 and 12-14 are allowable at least because they depend upon an allowable base claim.

II. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/4/05

By: Skip Gain
Edward "Skip" Gain
Registration No. 55,917

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500